

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ASPHALT PAVING SYSTEMS, INC.,

Plaintiff,

v.

GENERAL COMBUSTION
CORPORATION, et al,

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action
Civil No. 13-7318 (JBS/KMW)

ORDER

This matter having come before the Court by way of Defendants Gencor Industries, Inc.'s, General Combustion Corporation's, and Equipment Services Group, Inc.'s motion to vacate default and to dismiss Plaintiff's Amended Complaint [Docket Item 21]; and by way of Plaintiff Asphalt Paving System, Inc.'s motion for default judgment with respect to all Defendants [Docket Item 22]; and the Court having considered the submissions of the parties; and for the reasons explained in the Memorandum Opinion of today's date; and for good cause shown;

IT IS this 30th day of September, 2014, hereby

ORDERED that Defendants' motion [Docket Item 21] shall be, and hereby is, **GRANTED** to the extent it seeks to set aside the April 7, 2014 entry of default; and **DENIED WITHOUT PREJUDICE** to the extent that Defendants seek to dismiss Plaintiff's Amended Complaint; and it is further

ORDERED that the Clerk of Court shall set aside the April 7, 2014 entry of Default; and it is further

ORDERED that the Service of Process allegedly effectuated upon Defendants shall be, and hereby is, quashed; and it is further

ORDERED that Plaintiff shall effectuate proper service of process upon Defendants within thirty (30) days from entry of this Order; and it is further

ORDERED that Plaintiff's motion for default judgment [Docket Item 22] shall be, and hereby is, **DISMISSED AS MOOT**; and it is further

ORDERED that Thomas M. Reardon III, Esquire shall enter an appearance on behalf of Equipment Services Group, Inc., or file a letter stating the nature of his representation, within seven (7) days of entry of this Order.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge